

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE CONCURRENT RESOLUTION 2045

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, SECTIONS 3 AND 4, CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 4.1, 4.2 AND 4.3; RELATING TO STATE TRUST LANDS; PROVIDING FOR CONDITIONAL REPEAL AND CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the purpose of this proposition is to preserve the mission of
2 the state land trust by ensuring and increasing the economic value of the
3 trust for the benefit of public schools and the other beneficiaries through
4 prudent planning while providing opportunities for conservation consistent
5 with the mission of the state land trust.

6 Therefore

7 Be it resolved by the House of Representatives of the State of Arizona, the
8 Senate concurring:

9 1. Article X, section 3, Constitution of Arizona, is proposed to be
10 amended as follows if approved by the voters and on proclamation of the
11 Governor:

12 3. Mortgage or other encumbrance; sale or lease at
13 public auction

14 Section 3. A. No mortgage or other encumbrance of the
15 said lands, or any part thereof, shall be valid in favor of any
16 person or for any purpose or under any circumstances whatsoever.

17 B. Said lands shall not be sold or leased, in whole or in
18 part, except to the highest and best bidder at a public auction
19 to be held at the county seat of the county wherein the lands to
20 be affected, or the major portion thereof, shall lie. ~~;~~ Notice
21 of ~~which public~~ THE auction ~~shall first have been duly given by~~
22 ~~advertisement, which~~ shall set forth the nature, time and place
23 of the transaction to be had, with a full description of the
24 lands to be offered. ~~;~~ ~~and~~ THE NOTICE SHALL be:

25 1. POSTED ON THE OFFICIAL WEB SITE FOR AT LEAST
26 THIRTY-FIVE DAYS BEFORE THE AUCTION.

27 2. Published AT LEAST once each week for not less than
28 ~~ten~~ FIVE successive weeks BEFORE THE AUCTION in a newspaper of
29 general circulation published regularly at the state capital,~~;~~
30 and in ~~that~~ A newspaper of ~~like~~ GENERAL circulation ~~which shall~~
31 ~~then be~~ regularly published ~~nearest to the location~~ IN THE
32 VICINITY of the lands so offered. ~~;~~ ~~nor shall any~~

33 C. NO sale or contract for the sale of any timber or
34 other natural product of such lands MAY be made, save at the
35 place, in the manner, and after the notice by publication
36 provided for sales and leases of the lands themselves.

37 D. Nothing ~~herein~~ IN THIS SECTION, or elsewhere in THIS
38 article ~~X-contained~~, shall prevent:

39 1. The leasing of any of the lands referred to in this
40 article in such manner as the legislature may prescribe, for
41 grazing, agricultural, commercial and homesite purposes, for a
42 term of ten years or less, without advertisement OR AUCTION. ~~;~~

43 2. The leasing of any of said lands, in such manner as
44 the legislature may prescribe, whether or not also leased for
45 grazing and agricultural purposes, for mineral purposes, other

1 than for the exploration, development,~~—~~ and production of oil,
2 gas and other hydrocarbon substances, for a term of twenty years
3 or less, without advertisement,~~—~~ or AUCTION. ~~—~~

4 3. The leasing of any of said lands, whether or not also
5 leased for other purposes, for the exploration, development, and
6 production of oil, gas and other hydrocarbon substances on, in
7 or under said lands for an initial term of twenty ~~(20)~~ years or
8 less and as long thereafter as oil, gas or other hydrocarbon
9 substance may be procured therefrom in paying quantities, the
10 leases to be made in any manner, with or without advertisement,
11 bidding,~~—~~ or appraisal, and under such terms and provisions,
12 as the legislature may prescribe, the terms and provisions to
13 include a reservation of a royalty to the state of not less than
14 twelve and one-half per cent of production.

15 4. GRANTING PUBLIC RIGHTS-OF-WAY AND EASEMENTS TO A
16 FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY WITHOUT
17 ADVERTISEMENT OR AUCTION IN A MANNER PRESCRIBED BY LAW.

18 5. THE DISPOSITION WITHOUT ADVERTISEMENT OR AUCTION OF
19 LANDS THAT ARE DESIGNATED AS SUITABLE FOR CONSERVATION IN A PLAN
20 PREPARED AND APPROVED PURSUANT TO SECTION 4.1 OF THIS ARTICLE.

21 6. THE DISPOSITION WITHOUT ADVERTISEMENT OR AUCTION OF
22 CONSERVATION LANDS AS PROVIDED BY SECTION 4.2 OR 4.3 OF THIS
23 ARTICLE.

24 2. Article X, section 4, Constitution of Arizona, is proposed to be
25 amended as follows if approved by the voters and on proclamation of the
26 Governor:

27 4. Sale or other disposal; appraisal; consideration
28 and value

29 Section 4. A. All lands, ~~lease-holds~~ LEASEHOLDS,
30 timber,~~—~~ and other products of land, before being offered, shall
31 be appraised at their true value. ~~—and~~ EXCEPT AS PROVIDED IN
32 THIS ARTICLE, no sale or other disposal thereof shall be made:

33 1. For a consideration less than the value so
34 ascertained. ~~—nor~~

35 2. In any case less than the minimum price hereinafter
36 fixed. ~~—nor~~

37 3. Upon credit unless accompanied by ample security.
38 ~~—and~~

39 B. The legal title shall not be deemed to have passed
40 until the consideration shall have been paid.

41 C. RIGHTS-OF-WAY FOR PUBLIC ROADWAYS THAT WERE
42 ESTABLISHED OR MAINTAINED BEFORE JANUARY 1, 1968 AND USED OR
43 MAINTAINED SINCE JANUARY 1, 1968 SHALL BE GRANTED WITHOUT
44 FURTHER CONSIDERATION IN A MANNER PRESCRIBED BY LAW.

1 3. Article X, Constitution of Arizona, is proposed to be amended by
2 adding sections 4.1 and 4.2 as follows if approved by the voters and on
3 proclamation of the Governor:

4 4.1. Planning; definition

5 SECTION 4.1. A. IN AN URBAN AREA, AS DEFINED IN SECTION
6 4.2 OF THIS ARTICLE, LAND HELD IN TRUST UNDER THIS ARTICLE MAY
7 BE SUBJECT TO A PLAN FOR THE USE OF THE LAND FOR COMMERCIAL
8 PURPOSES, PREPARED IN CONSULTATION WITH A COUNTY, CITY OR TOWN
9 IN A MANNER PRESCRIBED BY LAW AND PURSUANT TO ORDINANCES, RULES
10 AND REGULATIONS OF THE COUNTY, CITY OR TOWN IN WHICH THE LAND IS
11 LOCATED, IF THOSE ORDINANCES, RULES AND REGULATIONS ARE NOT
12 DISCRIMINATORY AS WRITTEN OR APPLIED TO THE LAND HELD IN TRUST
13 AS COMPARED TO THE TREATMENT OF PRIVATELY OWNED LAND LOCATED IN
14 THE COUNTY, CITY OR TOWN. IF THE PLAN PREPARED FOR THE USE OF
15 THE LAND IS INCOMPATIBLE WITH THE PLAN PREPARED BY THE COUNTY,
16 CITY OR TOWN, THE ELEMENTS OF THE PLANS THAT ARE IN DISPUTE ARE
17 SUBJECT TO RESOLUTION IN A MANNER PRESCRIBED BY LAW.

18 B. THE PLAN MAY DESIGNATE MORE OF THE LAND AS SUITABLE
19 FOR CONSERVATION THAN WOULD BE AUTHORIZED IN A NONDISCRIMINATORY
20 PLAN, AND THE ADDITIONAL LAND IS SUBJECT TO DISPOSITION, IN A
21 MANNER PRESCRIBED BY LAW, IF:

22 1. THE DISPOSITION WILL BRING BENEFIT TO OTHER LAND THAT
23 IS HELD IN TRUST AND SUBJECT TO THE PLAN. THE TRUE VALUE OF THE
24 ADDITIONAL LAND DESIGNATED AS SUITABLE FOR CONSERVATION IS THE
25 DIFFERENCE, IF ANY, BETWEEN THE VALUE OF ALL THE LAND THAT IS
26 SUBJECT TO THE PLAN ASSUMING A NONDISCRIMINATORY PLAN AND THE
27 VALUE OF ALL THE LAND THAT IS SUBJECT TO THE PLAN DESIGNATING
28 THE ADDITIONAL LAND AS SUITABLE FOR CONSERVATION, AS DETERMINED
29 BY APPRAISAL. THE AGGREGATE MARKET VALUATION OF ALL LAND THAT
30 IS HELD IN TRUST AND SUBJECT TO THE PLAN MUST NOT BE DIMINISHED
31 DUE TO THE DESIGNATION AND DISPOSITION OF THE LAND AS SUITABLE
32 FOR CONSERVATION.

33 2. THE ADDITIONAL LAND DESIGNATED AS SUITABLE FOR
34 CONSERVATION IS DISPOSED OF TO THE COUNTY, CITY OR TOWN ON THE
35 COMPLETION OF THE APPRAISAL FOR CONSIDERATION OF NOT LESS THAN
36 THE DETERMINED TRUE VALUE, WHICH MAY BE PROVIDED IN THE FORM OF
37 MONETARY CONSIDERATION OR NONMONETARY CONSIDERATION, OR BOTH, IN
38 A MANNER PRESCRIBED BY LAW.

39 3. THE PLAN IS THE SUBJECT OF AN AGREEMENT WITH THE
40 COUNTY, CITY OR TOWN THAT ESTABLISHES THE COMMERCIAL PURPOSES OF
41 THE LAND THAT IS NOT DESIGNATED AS SUITABLE FOR CONSERVATION.

42 4. ALL LAND THAT IS DESIGNATED AS SUITABLE FOR
43 CONSERVATION IS HELD IN TRUST FOR THE SAME PUBLIC BENEFICIARY.

1 5. IT IS A PERMANENT CONDITION OF ANY DISPOSITION OF LAND
2 DESIGNATED AS SUITABLE FOR CONSERVATION PURSUANT TO THIS SECTION
3 THAT THE LAND WILL BE:

4 (a) RESTRICTED AGAINST DEVELOPMENT, AS DEFINED IN SECTION
5 4.2 OF THIS ARTICLE.

6 (b) MANAGED AND USED IN A MANNER CONSISTENT WITH
7 CONSERVATION, AS DEFINED IN SECTION 4.2 OF THIS ARTICLE.

8 (c) SUBJECT TO REASONABLE PUBLIC ACCESS.

9 C. FOR THE PURPOSES OF THIS SECTION, "COMMERCIAL
10 PURPOSES" MEANS THE USE OF THE LAND FOR ANY PURPOSE OTHER THAN
11 AGRICULTURAL OR GRAZING PURPOSES.

12 4.2. Conservation lands; definitions

13 SECTION 4.2. A. IN AN URBAN AREA, LANDS THAT, PURSUANT
14 TO LAW, WERE CLASSIFIED AS SUITABLE FOR CONSERVATION PURPOSES
15 BEFORE JANUARY 1, 2005 MAY BE CONVEYED AS CONSERVATION LANDS
16 WITHOUT ADVERTISEMENT OR AUCTION TO THE CITY, TOWN OR COUNTY IN
17 WHICH THEY ARE LOCATED, BUT ONLY IF COMPENSATION IS PROVIDED TO
18 THE RESPECTIVE PERMANENT FUND IN A MANNER PRESCRIBED BY LAW.
19 ANY DISPUTE ARISING UNDER THIS SUBSECTION IS SUBJECT TO
20 RESOLUTION IN A MANNER PRESCRIBED BY LAW.

21 B. THE LEGISLATURE SHALL PRESCRIBE A PROCESS BY LAW FOR
22 DESIGNATING FOR CONSERVATION PURPOSES LANDS IN AN URBAN AREA
23 THAT WERE SUBMITTED BY APPROPRIATE APPLICATION FOR
24 CLASSIFICATION AS SUITABLE FOR CONSERVATION PURPOSES AND WERE
25 ASSIGNED A VALID FILE NUMBER PURSUANT TO LAW BEFORE JANUARY 1,
26 2005, BUT THAT WERE NOT CLASSIFIED AS SUITABLE FOR CONSERVATION
27 PURPOSES. ALL LAND THAT IS DESIGNATED FOR CONSERVATION UNDER
28 THIS SUBSECTION MUST BE HELD IN TRUST FOR THE SAME PUBLIC
29 BENEFICIARY. THESE LANDS MAY BE CONVEYED WITHOUT ADVERTISEMENT
30 OR AUCTION TO THE CITY, TOWN OR COUNTY IN WHICH THEY ARE
31 LOCATED, BUT ONLY IF COMPENSATION IS PROVIDED TO THE RESPECTIVE
32 PERMANENT FUND IN A MANNER PRESCRIBED BY LAW. ANY DISPUTE
33 ARISING UNDER THIS SUBSECTION IS SUBJECT TO RESOLUTION IN A
34 MANNER PRESCRIBED BY LAW. NOTWITHSTANDING ARTICLE IV, PART 2,
35 SECTION 19, ANY DESIGNATION OF LANDS PURSUANT TO THIS SUBSECTION
36 MUST BE APPROVED INDIVIDUALLY BY LAW. A LAW TO APPROVE THE
37 DESIGNATION OF CONSERVATION LANDS PURSUANT TO THIS SUBSECTION IS
38 SUBJECT TO THE POWER OF THE REFERENDUM AND IS NOT CONSIDERED TO
39 BE IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PUBLIC
40 PEACE, HEALTH OR SAFETY OR FOR THE SUPPORT AND MAINTENANCE OF
41 THE DEPARTMENTS OF STATE GOVERNMENT AND STATE INSTITUTIONS.

42 C. IT IS A PERMANENT CONDITION OF ANY CONVEYANCE OR
43 DISPOSITION OF CONSERVATION LAND PURSUANT TO SUBSECTION A OR B
44 OF THIS SECTION THAT THE LAND WILL BE:

- 1 1. RESTRICTED AGAINST DEVELOPMENT.
- 2 2. MANAGED AND USED IN A MANNER CONSISTENT WITH
- 3 CONSERVATION.
- 4 3. SUBJECT TO REASONABLE PUBLIC ACCESS.
- 5 D. ANY CONVEYANCE OR OTHER DISPOSITION OF LANDS PURSUANT
- 6 TO THIS SECTION IS SUBJECT TO THE RESERVATION THAT ALL OIL, GAS,
- 7 OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF A
- 8 GASEOUS NATURE, GEOTHERMAL RESOURCES, COAL, METALS, MINERALS,
- 9 FOSSILS, FERTILIZER OF EVERY DESCRIPTION, URANIUM, THORIUM OR
- 10 ANY OTHER MATERIAL THAT IS OR MAY BE PECULIARLY ESSENTIAL TO THE
- 11 PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF
- 12 COMMERCIAL VALUE, AND THE EXCLUSIVE RIGHT THERETO, ON, IN OR
- 13 UNDER THE LAND, IS RESERVED IN AND RETAINED BY THE STATE,
- 14 REGARDLESS OF THE CONVEYANCE AND THE ISSUANCE OF ANY EVIDENCE OF
- 15 CONVEYANCE. A MINERAL RESERVATION UNDER THIS SUBSECTION SHALL
- 16 NOT INCLUDE COMMON VARIETY MINERALS SUCH AS SAND, GRAVEL OR
- 17 OTHER AGGREGATE, ROAD BASE MATERIAL, LIMESTONE OR GYPSUM.
- 18 E. NOTHING IN THIS SECTION PREVENTS THE CONTINUATION OR
- 19 RENEWAL OF ANY LEASE, RIGHT-OF-WAY OR OTHER USE OF THE LAND THAT
- 20 WAS IN EXISTENCE AS OF THE DATE OF CONVEYANCE OR DISPOSITION OF
- 21 CONSERVATION LAND.
- 22 F. THE DESIGNATION OR CONVEYANCE OF CONSERVATION LANDS
- 23 DOES NOT CREATE OR IMPLY RESTRICTIONS ON THE USE OR MANAGEMENT
- 24 OF ANY OTHER LAND.
- 25 G. FOR THE PURPOSES OF THIS SECTION:
- 26 1. "CONSERVATION" MEANS RESTRICTING THE USE OF THE LAND
- 27 AGAINST DEVELOPMENT.
- 28 2. "DEVELOPMENT" MEANS BUILDINGS AND OTHER STRUCTURES FOR
- 29 RESIDENTIAL, AGRICULTURAL, COMMERCIAL OR PUBLIC USE BUT DOES NOT
- 30 INCLUDE BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS EXISTING
- 31 BEFORE JANUARY 1, 2009 OR FENCES, PATHS, TRAILS, TRAILHEADS,
- 32 ROADWAYS, UTILITY LINES AND ASSOCIATED FACILITIES, FLOOD CONTROL
- 33 STRUCTURES AND IMPROVEMENTS, CANALS, DRAINAGE IMPROVEMENTS,
- 34 WELLS, SIGNAGE, RANGE IMPROVEMENTS, HUNTING AND FISHING
- 35 FACILITIES, COMMUNICATIONS FACILITIES, RESEARCH OR MONITORING
- 36 STATIONS AND ASSOCIATED EQUIPMENT OR, IN ORDER TO FACILITATE
- 37 REASONABLE PUBLIC ACCESS, HUNTING AND FISHING, PICNIC, CAMPING,
- 38 PARKING, SECURITY, COMFORT, MAINTENANCE AND SIMILAR FACILITIES
- 39 THAT ARE COMPATIBLE WITH CONSERVATION.
- 40 3. "URBAN AREA" MEANS:
- 41 (a) WITHIN OR ADJACENT TO THE EXTERIOR CORPORATE
- 42 BOUNDARIES OF A CITY OR TOWN.
- 43 (b) WITHIN THREE MILES OUTSIDE THE CORPORATE BOUNDARY OF
- 44 A CITY OR TOWN HAVING A POPULATION OF LESS THAN TEN THOUSAND
- 45 PERSONS.

1 (c) WITHIN FIVE MILES OUTSIDE THE CORPORATE BOUNDARY OF A
2 CITY OR TOWN HAVING A POPULATION OF TEN THOUSAND PERSONS OR
3 MORE.

4 4. Article X, Constitution of Arizona, is proposed to be amended by
5 adding section 4.3 as follows if approved by the voters and on proclamation
6 of the Governor:

7 4.3. Nonurban conservation lands; definitions

8 SECTION 4.3. A. THE LEGISLATURE SHALL PRESCRIBE A
9 PROCESS BY LAW FOR DESIGNATING FOR CONSERVATION PURPOSES UP TO
10 FOUR HUNDRED THOUSAND ACRES OF LAND THAT IS NOT LOCATED IN AN
11 URBAN AREA. ALL LAND THAT IS DESIGNATED FOR CONSERVATION UNDER
12 THIS SUBSECTION MUST BE HELD IN TRUST FOR THE SAME PUBLIC
13 BENEFICIARY. THESE LANDS MAY BE CONVEYED WITHOUT ADVERTISEMENT,
14 AUCTION OR CONSIDERATION TO THE COUNTY IN WHICH THEY ARE
15 LOCATED. NOTWITHSTANDING ARTICLE IV, PART 2, SECTION 19, ANY
16 DESIGNATION OF LANDS PURSUANT TO THIS SUBSECTION MUST BE
17 APPROVED INDIVIDUALLY BY LAW. A LAW TO APPROVE THE DESIGNATION
18 OF CONSERVATION LANDS PURSUANT TO THIS SUBSECTION IS SUBJECT TO
19 THE POWER OF THE REFERENDUM AND IS NOT CONSIDERED TO BE
20 IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PUBLIC PEACE,
21 HEALTH OR SAFETY OR FOR THE SUPPORT AND MAINTENANCE OF THE
22 DEPARTMENTS OF STATE GOVERNMENT AND STATE INSTITUTIONS.

23 B. A PRIORITY FOR CONSIDERING THE DESIGNATION OF
24 CONSERVATION LANDS UNDER SUBSECTION A OF THIS SECTION IS THE
25 MAINTENANCE OF WILDLIFE MIGRATION CORRIDORS.

26 C. IT IS A PERMANENT CONDITION OF ANY CONVEYANCE OR
27 DISPOSITION OF CONSERVATION LAND PURSUANT TO SUBSECTION A OF
28 THIS SECTION THAT THE LAND WILL BE:

29 1. RESTRICTED AGAINST DEVELOPMENT.

30 2. MANAGED AND USED IN A MANNER CONSISTENT WITH
31 CONSERVATION.

32 3. SUBJECT TO REASONABLE PUBLIC ACCESS.

33 D. ANY CONVEYANCE OR OTHER DISPOSITION OF LANDS PURSUANT
34 TO THIS SECTION IS SUBJECT TO THE RESERVATION THAT ALL OIL, GAS,
35 OTHER HYDROCARBON SUBSTANCES, HELIUM OR OTHER SUBSTANCES OF A
36 GASEOUS NATURE, GEOTHERMAL RESOURCES, COAL, METALS, MINERALS,
37 FOSSILS, FERTILIZER OF EVERY DESCRIPTION, URANIUM, THORIUM OR
38 ANY OTHER MATERIAL THAT IS OR MAY BE PECULIARLY ESSENTIAL TO THE
39 PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF
40 COMMERCIAL VALUE, AND THE EXCLUSIVE RIGHT THERETO, ON, IN OR
41 UNDER THE LAND, IS RESERVED IN AND RETAINED BY THE STATE,
42 REGARDLESS OF THE CONVEYANCE AND THE ISSUANCE OF ANY EVIDENCE OF
43 CONVEYANCE. A MINERAL RESERVATION UNDER THIS SUBSECTION SHALL
44 NOT INCLUDE COMMON VARIETY MINERALS SUCH AS SAND, GRAVEL OR
45 OTHER AGGREGATE, ROAD BASE MATERIAL, LIMESTONE OR GYPSUM.

1 E. NOTHING IN THIS SECTION PREVENTS THE CONTINUATION OR
2 RENEWAL OF ANY LEASE, RIGHT-OF-WAY OR OTHER USE OF THE LAND THAT
3 WAS IN EXISTENCE AS OF THE DATE OF CONVEYANCE OR DISPOSITION OF
4 CONSERVATION LAND.

5 F. THE DESIGNATION OR CONVEYANCE OF CONSERVATION LANDS
6 DOES NOT CREATE OR IMPLY RESTRICTIONS ON THE USE OR MANAGEMENT
7 OF ANY OTHER LAND.

8 G. FOR THE PURPOSES OF THIS SECTION:

9 1. "CONSERVATION" MEANS RESTRICTING THE USE OF THE LAND
10 AGAINST DEVELOPMENT.

11 2. "DEVELOPMENT" MEANS BUILDINGS AND OTHER STRUCTURES FOR
12 RESIDENTIAL, AGRICULTURAL, COMMERCIAL OR PUBLIC USE BUT DOES NOT
13 INCLUDE BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS EXISTING
14 BEFORE JANUARY 1, 2009 OR FENCES, PATHS, TRAILS, TRAILHEADS,
15 ROADWAYS, UTILITY LINES AND ASSOCIATED FACILITIES, FLOOD CONTROL
16 STRUCTURES AND IMPROVEMENTS, CANALS, DRAINAGE IMPROVEMENTS,
17 WELLS, SIGNAGE, RANGE IMPROVEMENTS, HUNTING AND FISHING
18 FACILITIES, COMMUNICATIONS FACILITIES, RESEARCH OR MONITORING
19 STATIONS AND ASSOCIATED EQUIPMENT OR, IN ORDER TO FACILITATE
20 REASONABLE PUBLIC ACCESS, HUNTING AND FISHING, PICNIC, CAMPING,
21 PARKING, SECURITY, COMFORT, MAINTENANCE AND SIMILAR FACILITIES
22 THAT ARE COMPATIBLE WITH CONSERVATION.

23 3. "URBAN AREA" MEANS:

24 (a) WITHIN OR ADJACENT TO THE EXTERIOR CORPORATE
25 BOUNDARIES OF A CITY OR TOWN.

26 (b) WITHIN THREE MILES OUTSIDE THE CORPORATE BOUNDARY OF
27 A CITY OR TOWN HAVING A POPULATION OF LESS THAN TEN THOUSAND
28 PERSONS.

29 (c) WITHIN FIVE MILES OUTSIDE THE CORPORATE BOUNDARY OF A
30 CITY OR TOWN HAVING A POPULATION OF TEN THOUSAND PERSONS OR
31 MORE.

32 5. Conditional repeal

33 Section 4 of this proposition is repealed if the initiative styled
34 "Conserving Arizona's Future" and designated by the Secretary of State as
35 C-03-2006 is approved by the voters at the general election held
36 November 7, 2006 and becomes effective pursuant to article XXI, Constitution
37 of Arizona.

38 6. Submission to voters; conditional enactment

39 A. The Secretary of State shall submit this proposition to the voters
40 at the next general election as provided by article XXI, Constitution of
41 Arizona.

1 B. Sections 1, 2 and 3 of this proposition are not effective unless on
2 or before December 31, 2008, the Arizona-New Mexico Enabling Act (Act of June
3 20, 1910; 36 Stat. 557) is amended by Congress and signed into law to
4 authorize the amendment of the Constitution of Arizona as proposed by
5 sections 1 and 2 of this proposition. On or before December 31, 2008, the
6 state land commissioner shall notify the director of the legislative council
7 in writing whether or not this condition occurred and the date the enabling
8 act was amended.

9 C. Section 4 of this proposition is not effective unless both of the
10 following occur:

11 1. This proposition is approved and ratified by the voters pursuant to
12 subsection A of this section and the conditional repeal described in section
13 5 of this proposition does not occur.

14 2. On or before December 31, 2008, the Arizona-New Mexico Enabling Act
15 (Act of June 20, 1910; 36 Stat. 557) is amended by Congress and signed into
16 law to authorize the amendment of the Constitution of Arizona as proposed by
17 sections 1 and 2 of this proposition. On or before December 31, 2008, the
18 state land commissioner shall notify the director of the legislative council
19 in writing whether or not this condition occurred and the date the enabling
20 act was amended.